IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Shamim Banu Tak Vs. State of Rajasthan & Ors.

S.B.CIVIL WRIT PETITION NO.6458/2005

DATE OF ORDER :: May 09, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Anand Purohit, for the petitioner.
Mr.N.M.Lodha, Addl. Advocate General.

BY THE COURT:

By the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks quashing of communication Annexure-9 dt. 20.10.2005, whereby the petitioner was informed that she has not filed the decree for dissolution of marriage.

I have heard learned counsel for the parties.

Respondents advertised the posts for Teachers Gr.III and certain posts were reserved for the female devorcee. The

petitioner applied under the category of female devorcee (OBC) for that post. She has not been selected and was informed vide Anneuxre-9 that she has not produced the decree for dissolution of marriage.

Reply to the writ petition has been filed by the respondents stating therein that the petitioner belongs to Muslim Religion and also to other backward class. It has further been stated that the petitioner is a divorced lady and has prayed for appointment under the quota for such categories, however, the petitioner did not come in the merit. It has also been stated that as per the merit list prepared for the divorced lady belonging to other backward class, the last cutoff marks is 40.783% and nobody below this percentage has been given appointment, whereas the petitioner secures 39.904% marks and, therefore, she does not come in the merit. Even otherwise, the cutoff marks as stated by the respondents in reply is 40.783% and no person below this percentage has been given appointment. In the circumstances, therefore, the petitioner undisputedly having 39.904% marks cannot claim the appointment as she does not come in the merit.

In the circumstances, therefore, even assuming that the letter Annexure-9 intimating the petitioner that she has not filed the copy of decree of divorce denying consideration, yet the

petitioner's case cannot be considered for appointment as she does not come in the merit. In the circumstances, therefore, no case for interference is made out.

The writ petition is accordingly dismissed. Ad interim stay order dt.27.10.2005 is vacated. The stay petition also stands dismissed. There shall be no order as to costs.

[H.R.PANWAR],J.

m.asif/-